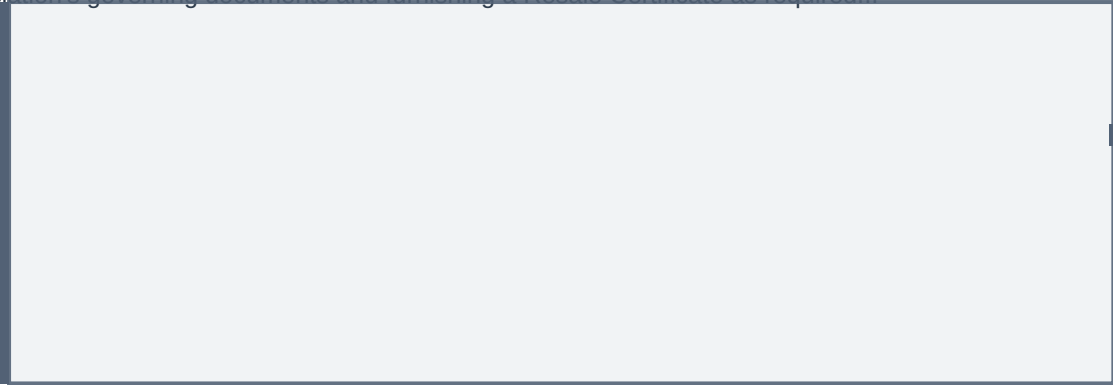


Section 5.2(e) - Sample Provision Excerpt (Public Preview)

as well as a policy establishing a schedule and procedures by which the Board may assess fines against Owners for violations of the Declaration, the Design Guidelines or any rules and regulations promulgated by the Board; to establish and collect reasonable fees for the use or rental of any recreational facilities on the Common Area; and to establish and collect transfer fees, a reasonable fee for copying and furnishing copies of the Association's governing documents and furnishing a Resale Certificate as required

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5.2(e) (p. 17): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007
Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day after the notice was mailed.

CURRENT WORDING IN DOCUMENT:
as well as a policy establishing a schedule and procedures by which the Board may assess fines against Owners for violations of the Declaration, the Design Guidelines or any rules and regulations promulgated by the Board; to establish and collect reasonable fees for the use or rental of any recreational facilities on the Common Area; and to establish and collect transfer fees, a reasonable fee for copying and furnishing copies of the Association's governing documents and furnishing a Resale Certificate as required...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
as well as a policy establishing a schedule and procedures by which the Board may assess fines against Owners for violations of the Declaration, the Design Guidelines or any rules and regulations promulgated by the Board; to establish and collect reasonable fees for the use or rental of any recreational facilities on the Common Area; and to establish and collect transfer fees, a reasonable fee for copying and furnishing copies of the Association's governing documents and furnishing a Resale Certificate as required by law.